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S-96,894

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Jimmy Thornton, et al.

Serial No. : 09/955,582 Art Unit: 1743

Filed : September 18, 2001 Examiner: Not Assigned at This Time

Title : REAL-TIME COMBUSTION CONTROLS  
AND DIAGNOSTICS SENSORS (CCADS)

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**PETITION UNDER 37 CFR § 1.181**

**PETITION TO RESET THE PERIOD FOR  
REPLY DUE TO LATE RECEIPT OF AN OFFICE ACTION  
UNDER MPEP 710.06**

The Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

The Patent and Trademark Office mailed to Assignee a Notice to File Missing Parts on Non-provisional Application, dated October 29, 2001. A response from Assignee was due into the U.S. Patent and Trademark Office on December 29, 2001. The notice was received by our headquarters office in Washington, D.C. on January 3, 2002, five days after our response was due in the Patent Office. Due to the mailing delays, resulting from precautions taken in response to anthrax contamination of the U.S. Mail, we request that the period for reply be reset due to late receipt of the notice. Further, we request that our response to the Notice to File Missing Parts (hereinafter "Notice") be held timely and entered as responsive to the Notice. The following facts are believed to be pertinent to the petition.

1. The inventors of the referenced patent application are employees of the U.S. Department of Energy. Under Executive Order 10096, as codified under 37 CFR § 501, "Uniform Patent Policy for Rights in Inventions Made by Government Employees, the U.S. Department of Energy takes title to inventions developed by employees in the normal course of their employment. A utility patent application was prepared and reviewed by the

inventors. The patent application was filed by Express Mail (Express Mail No. EJ584431859US) on September 18, 2001. Our Washington, D.C. headquarters office is given as the return address. The return address for correspondence purposes was given as: Paul A. Gottlieb; United States Department of Energy; GC-62 (FORSTL) MS-6F-067; 1000 Independence Ave., S.W.; Washington, D.C. 20585

2. Anthrax contamination of the U.S. Mail was first reported on October 12, 2001. As widely reported, mail delivery service through a number of U.S. Postal Service handling facilities was disrupted. Mail service to many U.S. Government offices was suspended. As the U.S. Department of Energy is part of the executive branch of the U.S. Government, mail service was discontinued to our Washington, D.C. office on October 21, 2001.
3. Notice of Missing Filing Parts, dated October 29, 2001, was mailed from U.S. Patent and Trademark Office.
4. Mail service to our Washington, D.C. office was reinstated on November 19, 2001. However, all U.S. Postal Service mail will be diverted to an Ohio facility for irradiation prior to delivery to our Washington, D.C. office. We have been advised that mail will be delayed at least three weeks.
5. We received the Notice to File Missing Parts on January 3, 2001 at our Headquarters office in Washington, D.C. The normal period of response to the Notice had lapsed by this time. The date of receipt of the notice is shown on the copy of the Notice. Date stamping of all incoming mail, when it is received in our headquarters docket area, is standard business practice. A separate declaration and statement of authenticity for the copy of the Notice to File Missing Parts, as provided by our headquarters staff, are included herewith. Clearly, the date-stamped copy of the Notice establishes that it was received at the correspondence address on January 3, 2002.

6. Due to the extraordinary circumstances related to the anthrax contamination of the U.S. mail and the associated precautions taken, we request that the period for reply be reset due to late receipt and that our response be held timely.

Applicants believe that this a non-fee petition. In the event a fee is due for this petition, please contact us.

Respectfully submitted,

Mark F. LaMarre

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Date: January 16, 2002